

REMARKS

Applicant has considered the outstanding official action. It is respectfully submitted that the claims are directed to patentable subject matter and are in condition for allowance as set forth below.

Applicant has amended the abstract to remove informalities as suggested by the Examiner.

Claim 1 is objected to for lack of indentation of limitation. Applicant has amended claim 1 to include indentations. Withdrawal of the objection is requested.

Claim 15 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite on the basis that "the encryption key" and "that data" have insufficient antecedent basis. Claim 15 has been amended to correct the objected to matter. Withdrawal of the objection is requested.

The pending claims are 1-21. The sole rejection based on art is stated to be of claims 18-21 under 35 U.S.C. §103(a) over U.S. Patent No. 6,084,969 (Wright) in view of International Patent Publication WO 98/08344 (Sachs). However, the Examiner discusses claims 1-19 with respect to the rejection. Thus, applicant presumes that at least claims 1-19 are rejected.

As to the art rejection, applicant initially notes that claim 1 has been amended to further provide that one encryption key between the data source and the apparatus is altered after each transmission. Support is present in the captioned specification at page 3, lines 34-35.

Applicant submits that it appears that the Examiner is assuming the invention changes the session key as such term is used in the art. To the contrary, however, the claimed invention involves an apparatus which works one layer down and the encryption key is changed. Applicant's system is not the well known RSA system as included in the disclosure of Wright, but rather a system in which the actual encryption key is changed each time the apparatus interacts with an external data source. The claimed apparatus maintains the "shared secret" without using the normal RSA approach. The claimed invention, thus, has the advantage that there is no need for a PKI certification authority to produce new public/private key pairs. The claimed apparatus changes the primary key each time while also maintaining the shared secret key.

Accordingly, applicant submits that the applied art does not teach or suggest the claimed invention. No motivation is provided to modify the apparatus disclosed in

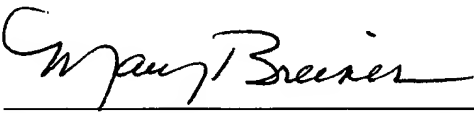
5514/USSN 09/868,314
Group Art Unit 2136

the applied art in order to obtain the claimed invention.
Thus, applicant respectfully requests withdrawal of the §103
rejection.

Reconsideration and allowance of the claims are
respectfully requested.

Respectfully submitted,

DAVID MICHAEL JARMAN

By 
Mary J. Breiner, Attorney
Registration No. 33,161
BREINER & BREINER, L.L.C.
115 North Henry Street
P.O. Box 19290
Alexandria, Virginia 22320-0290

Telephone: (703) 684-6885